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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,109	06/18/2004	Richard W. Littlewood	47584-11	4108
23971	7590	09/22/2005	EXAMINER	
BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA				GERRITY, STEPHEN FRANCIS
ART UNIT		PAPER NUMBER		
		3721		
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,109	<b>Applicant(s)</b> LITTLEWOOD, RICHARD W.
	<b>Examiner</b> Stephen F. Gerrity	<b>Art Unit</b> 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 July 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 18 June 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/19/04

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of the invention of Group I (claims 1-11) in the Paper filed 7 July 2005 is acknowledged.
2. Claims 12-14 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the Paper filed 7 July 2005.

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 20 June 2003. It is noted, however, that applicant has not filed a certified copy of the **2,432,828** application as required by 35 U.S.C. 119(b).

***Information Disclosure Statement***

4. Receipt is acknowledged of an Information Disclosure Statement, filed 19 November 2004, which has been placed of record in the file. An initialed, signed and dated copy of the form PTO-1449 is attached to this Office action.

***Drawings***

5. The drawings are objected to because:
  - a. the drawings are generally of informal quality being rough and blurry; in figure 4A, the view line "I-I" needs to be changed to --4b-4b--; and
  - b. reference character (28) is not shown -- see page 9, para. 24, "protrusion 28".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: METHOD FOR SLEEVING COMPRESSED BALE MATERIAL.

7. The disclosure is objected to because at page 7, para. 17, line 3, "I-I" should be changed to --4b-4b--. Appropriate correction is required.

***Claim Objections***

8. Claim 1 is objected to because of the following informalities: in line 1 "materials" should perhaps be --material--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1, 4, 6, and 7, the use of the pronoun "its" renders the claims vague and indefinite because it is uncertain as to which element the pronoun "its" is referring.

In each of claims 3 and 5, the use of the expression "it is" renders the claims vague and indefinite.

In claim 8, the use of the pronoun "it" renders the claim vague and indefinite.

These and any other informalities should be corrected so that the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by, Jr. (US 3,792,564).

The Brady, Jr. reference discloses a method of sleeving a bale of material including positioning the bale (21) between a pair of holding platens (40, 50), placing a sleeve (20) over the holding platens (40,50), and positioning the sleeve (20 - see figure 7) such that the first open end is aligned with or spaced back from the bale (21) leading end and the sleeve (20) engages against the bale (21), and ejecting the bale (21) from the platens such that it draws the sleeve (20) with it - see figure 11 and col. 5, line 30-44.

Regarding claim 2, the Brady, Jr. reference discloses that the sleeve (20) is entirely positioned over the bale (21) with the first and second open ends of the sleeve (20) aligned with or spaced back from the leading and trailing ends of the bale (see figs. 7, 11 and 13).

Regarding claim 3, the Brady, Jr. reference discloses that the platens (40, 50) are mounted about a chamber (at 30) from which the bale is ejected after it is compressed - see col. 3, lines 5-17 and col. 4, lines 35-52.

Regarding claim 6, the Brady, Jr. reference discloses that the sleeve (20) is selected with a length between its first and second open ends that is at most equal to the length of the bale between the leading end and the trailing end - see figs. 7 and 11.

Regarding claim 7, the Brady, Jr. reference discloses that the sleeve (20) is selected with a length between its first and second open ends that is less than the length of the bale between the leading end and the trailing end - see figs. 7 and 11.

Regarding claim 8, the Brady, Jr. reference discloses the bale (21) is produced by a compacting machine (30) that compacts the bale (21) such that the bale (21) expands if not contained once the bale (21) is ejected from the machine (30).

Regarding claim 9, the Brady, Jr. reference discloses the bale (21) is produced by a machine (30) that causes the bale (21) to have a greatest direction of expansion along an axis extending between the platen (40, 50) holding faces - as seen in fig. 11.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (CA 2,224,467) in view of applicant's admitted prior art (AAPA), and further in view of Brady, Jr. (US 3,792,564).

The Hunter et al. reference discloses that a bale compacting machine which includes a bagging operation utilizing the platen assembly (161) is also contemplated --

Hunter et al. principally is concerned with strapping a bale. The bale holding platens (162) between which a bale are located may have a plastic enclosure or bag placed thereover - see page 23, lines 4-15 - thereafter the bale is ejected into the plastic enclosure or bag. Accordingly, the Hunter et al. reference is deemed to meet all of applicant's claimed subject matter with the exception of using a sleeve to cover the bale, and positioning the sleeve such that the first open of the sleeve is aligned with or spaced back from the bale leading end.

It is noted that applicant admits as prior art that it is old and well known in the art to compact a bale of material and place a sleeve on the compacted bale - see pages 2 and 3, para. 6. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the Hunter et al. method by having made use of a sleeve to cover the bale, as taught by applicant's admitted prior art, in order to cover the bale and prevent expansion of the bale.

Furthermore, the Brady, Jr. reference discloses placing a sleeve on a bale positioned between the platens (40, 50) by positioning the sleeve (20 - see figure 7) such that the first open end is aligned with or spaced back from the bale (21) leading end and the sleeve (20) engages against the bale (21), and ejecting the bale (21) from the platens such that it draws the sleeve (20) with it - see figure 11 and col. 5, line 30-44. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have further modified the Hunter et al. method by having included placing a sleeve on the bale positioned between the platens (162) by positioning the sleeve (as provided by the suggestions of applicant's admitted prior art)

such that the first open end is aligned with or spaced back from the bale leading end and the sleeve engages against the bale, and ejecting the bale from the platens such that it draws the sleeve with it.

Regarding claims 2, 3 and 6-9, the subject matter of these claims is deemed met by the combination of Hunter et al., applicant's admitted prior art and Brady, Jr.

Regarding claims 4 and 5, the Hunter et al. reference discloses that the bale is positioned between the platens with the upper surface of the bale open for contact and frictional engagement with the straps or bag or enclosure. It would have been obvious from the combination of Hunter et al., applicant's admitted prior art, and Brady, Jr. that the now provided sleeve would rest by gravity on the upper surface of the bale when the sleeve is positioned over the platens and bale.

Regarding claim 10, the Hunter et al. reference discloses as seen in figures 4a-4d, that the platen sizes are selected such that the platen edges are spaced back from the edges of the bale, when the bale is positioned in the platens.

Regarding claim 11, the applied prior art does not expressly teach a sleeve position indicator on or adjacent a platen to assist with positioning the sleeve over the platens, but the examiner points out that the Hunter et al. and Brady, Jr. machines are each automatically controlled so as to coordinate and synchronize the various operative elements. Accordingly, while not expressly stated in the references the examiner takes Official Notice that it is old and well known in the art to provide an indicator to assist with positioning a sleeve over platens used in a compacting and sleeving machine for the purpose of assisting in the coordination and synchronization of the various operative

elements of a compacting and sleeving machine. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have further modified the Hunter et al. machine by having included a sleeve position indicator on or adjacent a platen to assist with positioning the sleeve over the platens, in order to assist with the coordination and synchronization of the various elements of the machine.

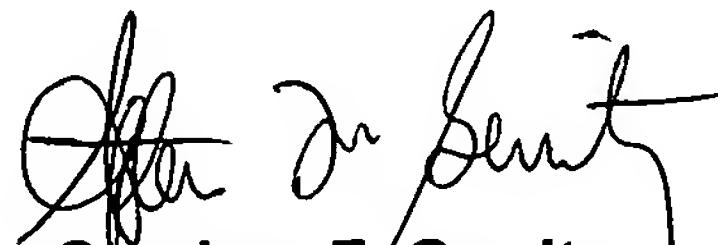
**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached form (PTO-892) are cited to show sleeving and/or compacting machines. All are cited as being of interest and to show the state of the prior art.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Stephen F. Gerrity**  
**Primary Examiner**  
**Art Unit 3721**

15 September 2005